



# Guidance for In-Stream Sand and Gravel Operations Permitting Activities

Land Reclamation Program fact sheet

10/2012

		Permit Actions					
		New Permit	Renewal	Amendment	Revision	Expansion	Transfer
<b>Forms</b>							
Section A:	Permit Application for Industrial Mineral Mines	X		X		X	
Section B:	Geologic Resources Fee Worksheet	X	X	X		X	
Section C:	Permit Renewal Form		X				
Section D:	Site Information Form	X			X	X	X
Section E:	Sand and Gravel Excavation Plan	X			X	X	X
Section F:	Consent to Entry Form	X				X	X
Section G:	Company Information Form	X					X
Section H:	Bonding Forms (if required)	X		X		X	X
Section I:	Permit Transfer Form						X
Section J:	Annual Status Report		X				
<b>Other Requirements</b>							
Section L:	Maps - Locator and Detail	X		X	X	X	X
Section I:	Public Notice Template	X			X	X	X
Section J:	Public Notification Letter Template	X			X	X	X

## Instruction Table and Definitions

The table above summarizes the items that require completion and submittal for various industrial mineral permitting activities.

An "X" indicates a required form or item. (The form or item may not be required if further explained in the form or item description.)

A form description is available in the section listed next to the form name.

## Permit Action Definitions

**New Permit** – When applying for a new permit from the Land Reclamation Program.

**Renewal** – For annual renewal of a permit that has not been totally released of liability by the Land Reclamation Program.

**Amendment** – To add acreage that has already been identified in a site information form and public notice to a site.

**Expansion** – To add acreage that has not been identified in a site information form or public notice to a site. Expansions are also used to add a new site to a current permit.

**Revision** – To significantly revise the methods described in an approved operation or reclamation plan, which will require another public notice.

**Transfer** – To transfer a permit or site from one corporate entity or another entity.

For more information or assistance about filling out the required forms, call 573-751-4041 or visit the department's webpage at [www.dnr.mo.gov/forms/index.html](http://www.dnr.mo.gov/forms/index.html).

Step by step instructions to fill out forms are in the document *In-Stream Sand and Gravel Operations Permit Application Package Instructions and Definitions* available online at [www.dnr.mo.gov/forms](http://www.dnr.mo.gov/forms).

**Please address all permitting information to:**

Land Reclamation Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

**Instructions Table and Definitions**

**SECTION A**

**PERMIT APPLICATION FOR INDUSTRIAL MINERAL MINES (MO 780-1007)**

- This form is for use in all permitting actions except permit transfers and renewals.
- A Permit Application form consists of two pages.
- The first page consists of basic information about the operator and permitted acreage.
- On Page 1, please enter the number of permitted acres for the site in the Acreage Column. Please use whole numbers.
- Mark the application type applicable box or combination of boxes listed near the top of the form.
- For example, if the applicant were expanding his/her permit; s/he would check the "Permit Expansion" box.
- The Permit Application form requires signature notarization.
- The second page, the Fees and Bonding Worksheet calculates the annual permit, site and acreage fees and determine the adequate amount of bond for the permit application if applicable.
- All permitting actions, in addition to the calculation of fees and bonding, are valid for whole acres only.
- The maximum total fee for any permit application is \$3,000.
- Make check(s) payable to the "Department of Natural Resources - Land Reclamation Program".

**Industrial Mineral Fees:**

**Annual Permit Fee**

- The annual permit fee for in-stream sand and gravel operations mining less than 5,000 tons per year is \$300.
- The annual permit fee for in-stream operations greater than 5,000 tons per year is \$800.
- After the fee has been paid for the year, it does not have to be repaid if an operator would submit an amendment or expansion.

**Site Fee(s)**

- In-stream sand and gravel operators mining less than 5,000 tons per year do not pay a site fee.
- The site fee for all sand and gravel operations greater than 5,000 tons per year is \$400 per site if operated 6 months or more during a permit year and \$200 per site if operated less than 6 months a year.

- Like the annual permit fee, the site fee(s) must be paid annually.
- The fee for each site must be paid when you first apply for the permit or when you renew the permit on the same site(s).
- If you add new sites during the permit year by applying for a permit expansion, no fee is due unless you are mining greater than 5,000 ton of sand and gravel per year. If you are mining greater than 5,000 tons, a fee is owed for each new site at that time.

### **Acreage Fee(s)**

- Acreage fees are not applicable for in-stream sand and gravel operations unless an operator has been required to post bond.

## **SECTION B**

### **GEOLOGIC RESOURCE FEE WORKSHEET (MO 780-1965)**

- This form should be submitted with the following applications, new permits, amendments, expansions, and renewals.
- The Geologic Resource Fees do not apply to sand and gravel operators mining less than 5,000 tons per year.
- The Geologic Resource Fee Worksheet is one page consisting of basic information about the operator and computes the Geologic Resource Fees due.
- Under the acreage column, please enter the permitted acreage (in whole numbers).
- The form requires a signature.
- The maximum total fee for any Geologic Resource Fee Worksheet is \$3,500.
- After the \$3,500 maximum has been reached for the current permit year, no additional Geologic Resource Fees are due.
- The Geologic Resource Fees Worksheet fees can be combined with the Industrial Mineral Fees on one check or separate checks may be sent.
- Make checks payable to the "Department of Natural Resources – Land Reclamation Program."

### **Geologic Resource Fees:**

#### **Annual Fee**

- The Geologic Resource Fee Worksheet fee for in-stream sand and gravel operations is \$50.
- After the fee has been paid for the year, it does not have to be repaid if an operator would submit an amendment or expansion.

#### **Site Fee(s)**

- The site fee for in-stream operations is \$50 per mining site.
- Like the annual permit fee, the site fee(s) must be paid annually.
- The fee for each site must be paid when you first apply for the permit, when you renew the permit on the same site(s) or if new sites are added during the permit year by applying for a permit expansion if you mine greater than 5,000 tons per year.

**Acreage Fee(s)**

- No acreage fees are due for in-stream sand and gravel operations.

**SECTION C****PERMIT RENEWAL FORM (MO 780-1780)**

- This form is used for annual renewal of the permit and to compute the annual permit renewal fees.
- A Permit Renewal Form consists of one page of basic information about the operator and the fees.
- The Permit Renewal form requires signature notarization.
- The maximum total fee for any permit application is \$3,000.
- Make check(s) payable to the "Department of Natural Resources - Land Reclamation Program".

**Industrial Mineral Fees:****Annual Permit Fee**

- The annual permit fee for sand and gravel operations mining less than 5,000 tons per year is \$300.
- The annual permit fee for sand and gravel operations mining greater than 5,000 tons per year is \$800.

**Site Fee(s)**

- Sand and gravel operators mining less than 5,000 tons per year do not pay a site fee.
- The site fee for all other sand and gravel operations is \$400 per site if operated 6 months or more during a permit year and \$200 per site if operated less than 6 months a year.
- Like the annual permit fee, the site fee(s) must be paid annually.
- The fee for each site must be paid when you first apply for the permit or when you renew the permit on the same site(s).

**Acreage Fee(s)**

- Acreage fees are not applicable for in-stream sand and gravel operations unless an operator has been required to post bond.

**SECTION D****SITE INFORMATION FORM (MO 780-1965)**

- This form must be submitted for the following applications: new permits, expansions, transfers and revisions.
- A new site information form must be submitted immediately when there has been a change in the landowner listed on the form.
- A Site Information Form consists of one page upon which the applicant gives information regarding the site.
- List the county where the site is located, the legal description which includes the section(s), township(s) and range(s) of where the site is located, and the acres included in the mine plan boundary for the site.

- The river or stream name is required for in-stream sand and gravel operations.
- The Landowner's name and mailing address (a separate form must be filled out for each landowner).
- The Mineral Rights Owner name and mailing address (a separate form must be filled out for each mineral rights owner.)
- The Legal Right to mine. If you have a lease or verbal agreement, the date the agreement was made should be entered on the form.
- Please mark if the site conforms to all planning and zoning requirements. If there are no zoning requirements, mark not applicable.
- Please mark if the site is located 1,000 feet or closer to the property boundary of an accredited school that has been established for five or more years.
- This form requires a signature.

## **SECTION E**

### **SAND AND GRAVEL EXCAVATION PLAN (MO 780-1895)**

- This form should be submitted for all new permit, expansion, revision and transfer applications.
- The Sand and Gravel Excavation Plan consist of three pages where the applicant agrees to comply with the following Permit Requirements as stated in the Land Reclamation Act and associated rules and regulations.
- If the operator is mining at more than one site, separate Sand and Gravel Excavation Plan for each site must be submitted.
- If an operator requests a variance to the Performance Requirement stated, the operator must check the variance requested check box below the item. Some of the excavation requirements do not allow for a variance.
- Each Sand and Gravel Excavation Plan must be signed by the applicant and notarized.

## **SECTION F**

### **CONSENT TO ENTRY FORM (MO 780-1329)**

- This form should be completed for new permits, expansions when new sites are being added, and transfers.
- Each site must have a Consent to Entry form.
- This form is one page and certifies that the applicant, and any other person's necessary, grant access to the Land Reclamation Commission, Director and Staff to the area of land affected under the application or permit.
- If the total mined amount for the permit is less than 10,000 ton per year, only the operator must grant the consent to entry by completing the top portion of the form.
- If the total tons mined for the permit is 10,000 or greater, the operator must sign the consent to entry in addition to any landowners (or their legal representative) as identified on the site information form.
- A new Consent to Entry form must be submitted if there is a change in landowner(s).
- Multiple landowners may give consent on one form.

## **SECTION G**

### **COMPANY INFORMATION FORM (MO 780-1928)**

- This form should be completed with new permit applications and permit transfer applications.
- This form consists of three pages and provides information about the applicant.
- The Company Information Section provides information about company management personnel who have the responsibility to comply with laws administered by the Land Reclamation Program.
- The Permit Information Section requires the applicant to identify permits held by the applicant and issued by the Missouri Land Reclamation Commission.
- The Signature and Notary Section is where the applicant signs and notarizes the form.

## **SECTION H**

### **BONDING FORMS**

- In-stream sand and gravel applicants initially will not be required to submit bond due to lack of reclamation responsibility.
- However, if an operator causes damage to the stream, based on inspection and subsequent review by the Staff Director that a liability exists, the operator will be required to post a reclamation bond.
- If bonding is required, in-stream operators mining less than 5,000 ton per year will be required to post a bond of \$500 for each permitted acre determined to be a reclamation responsibility.
- Operators mining greater than 5,000 tons per year will be required to post a minimum of \$8,000 to cover the first eight acres and \$500 for each additional acre over eight.
- The bond amount must be payable to the State of Missouri and remain in effect until the mined acreages have been reclaimed and released by the Land Reclamation Commission or Director.
- Permit holders may replace existing bonds with replacement bonds at any time. Existing bonds will not be released until the permittee has submitted and the director has approved acceptable replacement bonds.

The following are the types of bonds accepted by the Land Reclamation Program.

1. Surety Bonds.
2. Certificates of Deposit.
3. Letters of Credit.

### **Surety Bond Surface Mining of Minerals (MO 780-0016)**

- The form is two pages in length and should be completed when securing bond with a Surety.
- The applicant should enter his/her name and address and then the Surety Bond Company should enter their name and address.
- Enter the dollar amount of the surety.
- Enter the day, month and year the surety bond was created.
- Enter the number of acres covered by the surety bond.

- Enter the permit number of the applicant. If the applicant does not have a permit number, contact the Land Reclamation Program at 573-751-4041 to have one assigned.
- The form must be signed and notarized by the applicant and the surety company.
- Below the surety's notary, the surety company should enter the contact information requested.
- The surety bond must be submitted with a Power of Attorney.
- Surety bond amounts can be increased and decreased through a Surety Rider.
- A surety rider must be from the Surety Company.
- It must show the bond number and correct permittee name on the rider.
- The rider must list the current amount, the amount of the increase or decrease and the final amount of bond.
- The signature on the rider must be an authorized signature.
- The Power of Attorney must be attached.

### **Personal Bond Secured by a Certificate of Deposit (MO 780-0936)**

- This form is two pages in length and used when securing bond with a Certificate of Deposit, or CD.
- The Certificate of Deposit must be automatically renewable.
- The Certificate of Deposit must accompany the forms.
- The applicant's permit number must be entered. If the applicant does not have a permit number, contact the Land Reclamation Program at 573-751-4041 to have one assigned.
- Enter the permittee's name and address and the amount of the CD (will be written out and then entered again in numerical dollar format).
- The Certificate of Deposit Number, Issuing Bank and Amount.
- Make sure each CD is payable to the Treasurer of the State of Missouri and the applicant. Both names must be on the CD.
- Enter the Day, Month and year the CD was purchased.
- The form must be signed by the applicant and notarized.

### **Assignment of Certificate of Deposit (MO 780-1342)**

The Assignment of Certificate of Deposit form must also be completed for all bonds secured by CDs.

1. Enter the day, month, and year the CD was purchased along with the Permitted (or applicant) Name.
2. List the Certificates of Deposit assigned to the State of Missouri.
3. Enter the name of the permittee again along with the permit number.
4. The form must be signed by all individuals listed on the CD and the signatures notarized.
5. The Issuing bank must also sign the form and have the signature notarized.

### **Person Bond Secured by a Letter of Credit (MO 780-1472)**

- The form is seven pages in length and should be completed when securing bond with a Letter of Credit.
- The Letter of Credit must be Irrevocable.
- The Letter of Credit number should be entered as the bond number.
- Enter the permit number of the applicant. If the applicant does not have a permit number, contact the Land Reclamation Program at 573-751-4041 to have one assigned.
- Enter the permittee's name and address, the dollar amount of the letter of credit written out, and then again in dollar format.
- Enter the Letter of Credit's number, the date the Letter of Credit was purchased, the name and address of the issuing bank and the amount.
- Enter the day, month, and year along with the applicant's permit number.
- The second page must be signed by the applicant and the signature notarized.
- The Issuing bank will complete pages 3 and 4. Those pages require two bank signatures and the signatures require notarization.
- There are three attachments as part of the form: Attachment A, Attachment B and Attachment C. These should be completed and returned.
- Confirmation of Irrevocable Letter of Credit (MO 780-0015) - This form only needs to be completed if the bank issuing the Letter of Credit is not in the State of Missouri.
- The bank will need to sign and notarize the form.

## **SECTION I**

### **PERMIT TRANSFER FORM (MO 780-1333)**

- This form should be completed when a permit or site is being transferred to a new applicant.
- The form is two to three pages in length depending on the number of sites to be transferred.
- The top of page 1 is to be completed by the current permit holder.
- The lower section of page 1 should be completed by the proposed successor.
- At the top of page 2, the current permit number of the sites to be transferred should be entered.
- The sites should all be listed with the requested corresponding information.
- If additional sites need to be listed, continue the list on page 3.
- The proposed successor's name should be listed next. Then the total acres from all sites to be transferred and the current permit holder's name.
- Both the current permit holder and the proposed applicant must sign the form and it must be notarized.

## **SECTION J**

### **ANNUAL STATUS REPORT (MO 780-1884)**

- This form should be completed with all renewal applications.
- The form is one page in length and is used to indicate which sites have had sand and gravel removed from over the past year.
- The permit information should be entered in the top section.



- Then list all locations where sand and gravel were removed during the past year.
- A map must accompany the form showing the location of the sites.

## **SECTION K**

### **MAP REQUIREMENTS**

Maps shall be submitted with the following applications: new permits, amendments, expansions, revisions and transfers.

A Locator Map and a Detail Map are required for all sites.

#### **Locator Map - two copies required**

- The map must be of sufficient scale to locate and distinguish the permit boundary from other mine sites in the area.
- The locator map may be prepared on an original or clearly copied Missouri Highway Department county map, United States Geological Survey, or USGS 7- minute topographic map (map scale 1" = 2,000'), county assessor map, or an up-to-date county ownership plat.
- In general, operators submit an up-to-date county ownership plat map to satisfy adjacent property owner notification letter requirements.

The locator map must show the following:

1. The location of the site in relation to state or county roads and towns or cities in the general area.
2. North arrow and map scale.
3. Company name, site name, county, legal description (section, township, range), date of map preparation and preparer's name.

#### **Detail Map – two copies required**

- The Detail Map must be prepared on an original or clearly copied United States Geological Survey, or USGS, 7.5-minute topographical map, county assessor map, Agriculture Stabilization Conservation Service, or ASCS aerial photos or up-to-date county ownership plats or on a map of equal or better quality.

The detail map must show the following:

1. The Company Name and Permit Number.
2. Site Name and Site Number.
3. Date of Preparation and Name of Preparer.
4. A North Arrow and symbol key.
5. The County and Legal Description which includes the section(s), township(s), and range(s) in which the site is located.
6. The Permit boundary and acreage.
7. Stream and Road Locations and Names.
8. Property Owners (Site Owner(s), and Adjacent, and Contiguous Landowners).

9. The names of any persons or businesses having any surface or subsurface interest in the lands to be mined, including ownership or leaseholders of the land and utilities. If there are no utilities known, please write, "No Known Utilities."
10. Map scale

## **SECTION L**

### **PUBLIC NEWSPAPER NOTICE AND PUBLIC NOTIFICATION LETTER TEMPLATES**

These templates should be completed with following applications: new permits, expansions, revisions and transfers.

**Note: Do not run the public notice until you have been approved to do so by the Land Reclamation Program.**

Several Public Notice templates exist. Pick the template that applies to the permit action you are taking:

1. **New Permit** – For a brand new permit application.
2. **Renewal** – To continue mining at the sites and acreage previously applied for.
3. **Revision** – When significantly revising the methods described in an approved operation or reclamation plan.
4. **Transfer** – The transfer of a permit or site from one applicant to another.
5. **Expansion** – To add mine plan acreage at a site already permitted.
6. **Transfer-Expansion** – To transfer a permit or site from one applicant to another and add mine plan acreage at the same time.
7. **New to Existing Permit** – To add a new site to an existing permit.

#### **Public Notice - Newspaper**

- The public notice must be published in a newspaper qualified to publish public notices pursuant to section 493.050 RSMo.
- The newspaper must be in the county where the mine plan is located.
  - The notice shall run once a week for four consecutive weeks.
  - It shall be published within 10 days after the applicant is notified by the Land Reclamation Program to run public notice by certified mail.
- After the notice has run for four consecutive weeks, the applicant shall obtain the Affidavit of Publication from the newspaper and submit it to the Land Reclamation Program.

The public notice shall contain the following information:

1. Operator Name and Address
2. Legal description of the affected land consisting of the section, township and range.
3. The Number of acres of the site to be mined.
4. The commodity being mined is already filled in.
5. The period of operation.
6. The statement informing the public that written comments or a request for a hearing or informal public meeting may be made by any person with a direct, personal interest in one or more of the factors that the Missouri Land Reclamation Commission may consider in issuing a permit as required by the Land Reclamation Act, sections 444.760 to 444.790

RSMo., or whose health, safety or livelihood will be unduly impaired by the issuance of the permit regarding items such as permitting and reclamation requirements, erosion and siltation control, excavations posing a threat to public safety or protection of public road rights-of-way.

7. Written comments shall be sent to the Director of Staff, Land Reclamation Program, Department of Natural Resources, at the Program's current address.
8. All comments and requests must be submitted in writing to the director's office within 15 days of the last date of the publication of the notice.

#### **Public Notice - Letter to Landowners and Government**

- The second and third pages contain the public notification letter template.
- The applicant shall send the notification letters by certified mail to:
- The governing body of the counties or cities in which the proposed area is located.
- All last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan boundary.
- The public notification letters should be mailed at the same time the public notice is published in the newspaper.
- The information is the same as what is listed in the newspaper public notice except the dates the notice is running in the paper must be added to the notification letter.
- After the certified mail is registered as being sent, mail copies of the sent certified mail receipts (the green cards) to the attention of the individual who informed you to run the public notice at the department's Land Reclamation Program address.

#### **For More Information**

Missouri Department of Natural Resources  
Land Reclamation Program  
P.O. Box 176  
Jefferson City, MO 65102-0176  
800-361-4827 or 573-751-4041  
[dnr.mo.gov/env/lrp](http://dnr.mo.gov/env/lrp)